

REMARKS

A. Background

Claims 24-47 were pending.

Previously, in the Supplemental Amendment "A" and Response to Species Election Requirement dated March 6, 2003, prosecution on the merits had been elected to be directed to the species of the disclosed invention depicted in Figures 13-14. There the elected species of the disclosed invention can be seen to comprise a triple lumen catheter having a septum with a bulbous middle portion and a pair of lumens on opposite sides thereof that are blocked distally by solid inserts. On that basis, Claims 24-29, 31, and 42-46 were submitted to be readable on the elected species, and various generic claims thereamong were identified.¹ No claims were cancelled.

In the Office Action, the elected of the pending claims were determined to be directed to the following plurality of patentably distinct inventions:

- Group I: Claims 24-29, 31, and 42-45 directed to a triple lumen catheter; and
- Group II: Claim 46, directed to a method for manufacturing a triple lumen catheter;

¹Claims 24-28 and 46 were submitted to be generic to all of the seven (7) species of the disclosed invention identified by the Examiner, and Claims 24-28, 31, and 42-46 were submitted to be generic to a subcombination of the first five (5) of those identified species.

B. Amendments to the Claims

Claims 46-47 have been cancelled without prejudice to the right to seek protection on the subject matter recited therein in this or a subsequently filed application.

These cancellations are in harmony with the response made in Topic C below to the restriction requirement in the Office Action.

C. Response to Restriction Requirement

In response to the restriction requirement contained in the Office Action, Applicant hereby selects without traverse for prosecution purposes the claims of Group I, namely Claims 24-29, 31, and 42-45, which are directed to a triple lumen catheter.

D. Conclusion

Accordingly, it is submitted that an examination on the merits of Claims 24-29, 31, and 42-45 is now in order, and such examination is hereby requested.

Should any claim be considered to be allowable that is generic to all or to a subcombination of the identified species of the disclosed invention, then it is further requested that claims be allowed that are directed to a reasonable number of appropriate species of the disclosed invention, in addition to the species elected previously for prosecution purposes.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application which could be clarified by a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

DATED this 23rd day of January, 2004.

Respectfully submitted,



KENT S. BURNINGHAM
Attorney for Applicant
Registration No. 30,453

TRASKBRITT, PC
230 South 500 East, Suite 300
Salt Lake City, Utah 84102 USA
Telephone: (801) 532-1922
Facsimile: (801) 531-9168

KSB/tlb

N:\2409\3273.3US\AMENDMENT.B.DOC

Docket: 2409.3273.3US